

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## MAIL STOP PCT

In re Patent Application of

Philippe CHENEVIER et al.

Application No.: 10/530,052

Filing Date:

Group Art Unit:

Examiner:

Confirmation No.: 5521

Title: SPHEROIDS, PREPARATION METHOD THEREOF AND PHARMACEUTICAL COMPOSITIONS

## AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

~~Enclosed is a reply for the above identified patent application.~~☐ A Petition for Extension of Time is also enclosed.☐ Terminal Disclaimer(s) and the ☐ \$65.00 (2814) ☐ \$130.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.☒ ~~Also enclosed is/are~~ Enclosed is a Preliminary Amendment.☐ Small entity status is hereby claimed.☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.☐ Applicant(s) previously submitted \_\_\_\_\_  
\_\_\_\_\_  
on \_\_\_\_\_  
for which continued examination is requested.☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_,  
which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R.  
§ 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	17	MINUS 22 =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims	1	MINUS 3 =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0.00</b>

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800.
- ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By Mary Katherine Baumeister  
Mary Katherine Baumeister  
Registration No. 26,254

Date: August 4, 2005

#4

Substitute for Form PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S CASE NUMBER 017753-205	
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>				U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	
				10/530,052	
INTERNATIONAL APPLICATION NO. PCT/FR2003/002909		INTERNATIONAL FILING DATE October 3, 2003		PRIORITY DATE CLAIMED October 4, 2002	
TITLE OF INVENTION  SPHEROIDS, PREPARATION METHOD THEREOF AND PHARMACEUTICAL COMPOSITIONS					
APPLICANT(S) FOR DO/EO/US Philippe CHENEVIER and Dominique MARECHAL					
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> This is a <b>FIRST</b> submission to items concerning a filing under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below.</li> <li><input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li><input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li><input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>Items 11 to 21 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input checked="" type="checkbox"/> A FIRST preliminary amendment.</li> <li><input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.</li> <li><input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li><input checked="" type="checkbox"/> Other items or information: <u>Supplemental Application Data Sheet, Form PTO-1449 and copies of six foreign patent documents, English translations of ISR and IPER. Surcharge for late filing declaration and translation were paid on April 4, 2005.</u></li> </ol>					

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/530,052</b>		INTERNATIONAL APPLICATION NO. <b>PCT/FR2003/002909</b>		ATTORNEY'S DOCKET NUMBER <b>7753-205</b>	
21. <input type="checkbox"/> Applicant(s) requests that the published application include the following assignment information: _____ _____ _____ _____ _____				<b>CALCULATIONS PTO USE ONLY</b>     	
22. <input type="checkbox"/> The following fees are submitted:					
Basic Filing Fee (1631)				\$ 0.00	
Surcharge of <b>\$130.00 (1617)</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total Claims	-20 =	0	x \$50.00 (1615)	\$ 0.00	
Independent Claims	- 3 =	0	x \$200.00 (1614)	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00 (1616)		
Examination Fee			+ \$200.00 (1633)	\$ 0.00	
Search Fee			+ \$500.00 (1632)	\$ 0.00	
App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)					
TOTAL OF ABOVE CALCULATIONS =				\$ 0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+ \$ 0.00	
SUBTOTAL =				\$ 0.00	
Processing fee of <b>\$130.00 (1618)</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 (8021)</b> per property +					
TOTAL FEES ENCLOSED =				\$ 0.00	
				Amount to be refunded :	
				charged :	
a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. <b>02-4800</b> in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>02-4800</b> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Charge _____ to credit card. Form PTO-2038 is attached.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO:  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">           Burns, Doane, Swecker &amp; Mathis, L.L.P.            P.O. Box 1404            Alexandria, Virginia 22313-1404            (703) 836-6620         </div> <div style="width: 45%; text-align: right;"> <div style="margin-bottom: 10px;">            SIGNATURE         </div> <div style="margin-bottom: 10px;">           Mary Katherine Baumeister            NAME         </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">           26,254            REGISTRATION NO.         </div> <div style="width: 45%;">           August 4, 2005            DATE         </div> </div> </div> </div>					